Application No. 10/647,657

Filed: August 25, 2003

TC Art Unit: 3734

Confirmation No.: 2131

REMARKS

A terminal disclaimer is being filed herewith to obviate the

obviousness type double patenting rejection.

Claims 1-4 stand rejected under 35 U.S.C. 103(a) as being

unpatentable over Phillips (4,932,965).

Applicants respectfully traverse the rejection of the claims.

The present invention relates to the use of a visual indicator

associated with the strands of a suture system in which two

strands are attached to the same needle and can be visually

distinguished from each other.

Phillips does not teach or suggest the recited solution to

this problem. Phillips utilizes different colors for different

sutures 26, i.e., for different pairs of needles. By only using

two needles connected by a single suture strand (see Fig. 2 where

each suture 26 has opposite ends 28 and 30, which are the same

color), Phillips does not have the problem of having the same

color strands passing through the same hole. Phillips does not

teach or suggest a structure in which a particular needle is

attached to two suture strand portions that can be visually

distinguished from each other. Phillips does not address the

problem the present invention is meant to solve. When a double

stranded suture is employed, there are two strands that follow a

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needle through the same hole in the tissue. Because the two

strands are positioned in the same hole they can not readily be

distinguished from each other without use of the present

<u>invention</u>. For Philips, the different sutures are spatially

separated and thus does not address same problem. If Philips

attempted to pass two needles through the same hole, there is a

risk of what has been termed a "William Tell" (see page 8, lines

3-14 of the application) where the second needle actually goes

through the first suture strand that was previously inserted,

thereby risking a break of the suture and/or bleeding through the

hole.

Claims 5-8, 10, 11 and 14 have been rejected under 35 U.S.C.

103(a) as being unpatentable over Soviet Patent No. 513696 ('696)

and further in view of Phillips.

Applicants respectfully traverse this rejection of the

claims. The '696 reference uses thread (1) with 3 needles with no

way to distinguish between thread segments passing through the

same hole (e.g. 6 and 7). Additionally, the '696 reference

relates to the joining of two tissue layers (3 + 4) and does not

disclose or suggest the use of the system for suturing a

prosthetic device. However, Phillips does not suggest the

solution provided by the present invention. Phillips teaches that

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different colored threads be attached to different needles.

Phillips does not teach that two different threads, that are

distinguishable from each other, can be attached to the same

needle. New dependent claims 15-20 have been added

consideration. The '696 reference is also absent of any teaching

or suggestion of this solution to the problem.

The Examiner is encouraged to telephone the undersigned

attorney to discuss any matter that would expedite allowance of

the present application.

Respectfully submitted,

COHN ET AL.

Thomas O. Hoover

Registration No. 32,470

Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,

GAGNEBIN & LEBOVICI LLP

Ten Post Office Square

Boston, MA 02109

Telephone: (617) 542-2290

Telecopier: (617) 451-0313

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